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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,464

06/23/2003

Ronald Brooks Miller

2224

7590

08/07/2006

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Newark, CA 94560

EXAMINER

PATEL, ISHWARBHAI B

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10601464	6/23/03	MILLER, RONALD BROOKS	

EXAMINER

ART UNIT

PAPER

20060731

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This is in response to the mail received on June 13, 2006 and subsequent telephonic discussion with the SPE, Kammie Cuneo and with the examiner.

Applicant's arguments about the finality of the rejection mailed on May 2, 2006 has been carefully studied and reviewed.

The applicant argues that the invention has not been used or patented. None of the technical journals contains the subject matter of this invention. Applicant further argues that the invention is not a module or a microwave assembly or an MMIC but a printed circuit board (PCB) and though a suspended substrate was invented and patented back in the 1950's, the suspended substrate of his invention has never been achieved in a printed circuit board because of the difficulty of fabrication. The applicant further states that he has spoken to many PCB fabrication companies over the last few years and none of them had even heard of it and further states the difficulties faced in the manufacturing of the substrate.

However, these arguments are not found to be persuasive. Within the purview of the United States Patent Office Practice and Procedure, the applied prior art read on the claims. The difficulty faced in the manufacturing or the process limitation cannot serve to patentability distinguish the product over the prior art, in the case that the product is same as, or obvious over the prior art. See Product-by-Process in MPEP § 2113 and 2173.05(p) and *In re Thorpe*, 777 F.2d 695, 227 USPQ 964, 966 (Fed. Cir. 1985). The prior art of Shiau discloses the structure as claimed. Therefore, Shiau meets the limitations. The finality of the rejection is maintained.

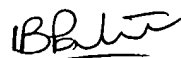
Further, reviewed the prior art of Tabatabai (US Patent No. 6,924,712) referred to in one of the applicant's letter of Jun 13, 2006, but this art does not read on the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ishwar (I. B.) Patel whose telephone number is (571) 272 1933. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272 1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IBP
July 31, 2006


ISHWAR PATEL
PRIMARY EXAMINER